THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITON No. 19464 of 2005

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Dated: 17.03.2006

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Between:

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B. Venkateswara Reddy S/o B.Venkata Reddy,

R/o H.No. 40/814-7B, Srinivasa Nagar,

Kurnool, Andhra Pradesh.

… **PETITIONER**

And :

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Government of A.P., rep., by its Principal Secretary,

Labour, Employment, Training and Factories (Lab-I) Department,

Secretariat, Hyderabad and others.

RESPONDENTS

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITON No. 19464 of 2005

ORDER:

This writ petition is filed seeking a Writ of Mandamus directing the first respondent to

transfer I.D.No.2 of 2003, which is pending on the file of the second respondent-Industrial Tribunal-I, Hyderabad, to the Court of Additional Industrial Tribunal-cum-additional Labour Court, Hdyerabad.

Petitioner claims to be an employee of the third respondent-company. He has initially challenged his termination, in I.D.No.35 of 2002 before the Additional Labour Court, Hydeabad. The same was ultimately dismissed on the ground of territorial jurisdiction. Consequently, the petitioner has raised a dispute in I.D.No.94 of 2004 before the Labour Court, Visakhapatnam, and the same is pending.

Further, the petitioner has also filed a claim petition under the Working Journalists and other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (for short “the Act”) before the Deputy Commissioner of Labour, Hydrabad, for the alleged recovery of arrears of salary from the third respondent-company, and the Deputy Commissioner of Labour, through his letter, dated 10.10.2002, recommended to the first respondent, to refer the matter before the Industrial Tribunal-I Hyderabad, for adjudicating the dispute. The first respondent, in turn, referred the same under Section 17(2) of the Act to the second respondent-Tribunal. Before the second respondent, the third respondent has opposed the claim disputing the jurisdiction of the second respondent. In that view of the matter, the petitioner has filed this writ petition seeking directions against the first respondent to transfer I.D.No.2 of 2003 from Industrial Tribunal-I, Hyderabad to Additional Industrial Tribunal-cum-Labour Court, Hyderabad.

It is the case of the petitioner that he is an employee in the third respondent-company. On the other hand, the third respondent is opposing the same stating that he is not its employee, and he was a contributor for some time, appointed on contract basis. In that view of the matter, he is not entitled for any relief under Section 17(2) of the Act.

It is not in dispute that I.D.No.94 of 2004 raised by the petitioner before the Labour Court, Visakhapatnam, questioning his termination is pending consideration. So far as the reference under Section 17(2) of the Act is concerned, it empowers the State Government to refer the matter to the Labour Court in case of any dispute for

the recovery of money from the employer under the provisions of the Act.

Inasmuch as I.D.No.94 of 2004 filed by the petitioner is pending consideration before the Labour Court, Visakhapatnam, I deem it appropriate to dispose of the writ petition directing the first respondent to issue orders transferring the reference, in modification of the earlier reference, from the second respondent-Tribunal to the Labour Court, Visakhapatnam. However, it is made clear that this Court has not expressed any view on the respective contentions of the parties. It is open for the Tribunal to decide all the issues having regard to the pleadings on record.

Subject to the above directions, the writ petition is disposed of. There shall be no order as to costs.

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17.03.2006

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